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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MATT STRONG,

12 Plaintiff,

13 vs.

14 WALGREEN CO. doing business as
15 Walgreens; RUDOLPH BRAGG, Trustee
16 of the Bragg Family Trust Dated April 22,
17 1982,

18 Defendants.

CASE NO. 09cv611 WQH (WVG)

ORDER

19 HAYES, Judge:

20 On January 15, 2010, Defendants filed a Motion for Summary Judgment. (Doc. # 29).
21 The motion was set for oral argument on March 16, 2010. *Id.* On January 26, 2010, Plaintiff
22 filed an Ex Parte Motion to Continue the hearing because the Ninth Circuit granted a petition
23 for rehearing *en banc* in *Chapman v. Pier 1 Imports*, 571 F.3d 853 (9th Cir. 2009), which
24 Defendants relied on in their Motion for Summary Judgment. (Doc. # 29). On January 27,
25 2010, the Court ordered Defendants to respond to Plaintiff's Ex Parte Motion to Continue.
26 (Doc. # 31). On February 8, 2010, Defendants filed a non-opposition to Plaintiff's motion.
27 (Doc. # 35). On February 9, 2010, the Court issued an order vacating the hearing date. (Doc.
28 # 36).

On May 10, 2010, the Court issued an Order to Show Cause which stated in part:

The parties are hereby ORDERED TO SHOW CAUSE why this case should

1 not be stayed pending the resolution of *Chapman v. Pier 1 Imports*. Any party
2 may file a response on or before June 1, 2010. In the event that no response is
filed, the Court will stay the case and vacate all pending pretrial dates.

3 (Doc. # 40 at 1).

4 On May 12, 2010, Plaintiff filed a response to the Order to Show Cause which states
5 he has “no objections to the instant matter being stayed pending the resolution of *Chapman*
6 *v. Pier 1 Imports*.” (Doc. # 41 at 1). On May 14, 2010, Defendants filed a response to the
7 Order to Show Cause stating they do not object to a stay. (Doc. # 42).

8 “The power to stay proceedings is incidental to the power inherent in every court to
9 control the disposition of the causes on its docket with the economy of time and effort for
10 itself, for counsel, and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254
11 (1936). In light of the potential impact of the *en banc* decision in *Chapman v. Pier 1 Imports* on
12 this case, the Court concludes that a stay is appropriate pending the resolution of that case.

13 IT IS HEREBY ORDERED that this action is **STAYED** pending the resolution of
14 *Chapman v. Pier 1 Imports*, 571 F.3d 853 (9th Cir. 2009), *rehearing en banc* granted by
15 593 F.3d 974 (9th Cir. 2010). In light of the stay, all pending motions are hereby **DENIED**
16 **WITHOUT PREJUDICE** and all dates are **VACATED**. The parties shall notify the
17 Court **within ten days** of any decision in *Chapman*.

18 DATED: May 25, 2010

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20 **WILLIAM Q. HAYES**
United States District Judge